



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 6737-01
10 May 2002

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was assigned a reenlistment code more favorable than the RE-4 code he received on 15 March 2001.

2. The Board, consisting of Messrs. Harrison, Shy and Zsalman, reviewed Petitioner's allegations of error and injustice on 25 April 2002 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner served on active duty in the Navy from 17 February to 15 March 2001, when he was discharged for failing to meet procurement medical standards because of disqualifying corneal atrophy. He was assigned an RE-4 reenlistment code, as permitted by governing directives. Petitioner contends that he does not have the disqualifying condition. He submits a barely legible medical record entry which appears to indicate that while he does not have corneal atrophy, he has a unnamed, congenital eye defect. The Board was unable to determine whether or not that condition is disqualifying for military service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board was not persuaded that Petitioner's discharge was erroneous, or that he was improperly assigned an RE-4 reenlistment code. It further concludes, however, that Petitioner did not commit any acts of misconduct during his period of naval service, and that it is unjust for him to bear the stigma associated with his present reenlistment code. Accordingly, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

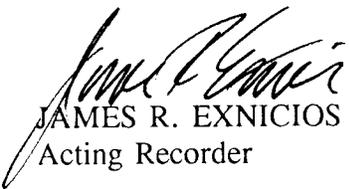
a. That Petitioner's naval record be corrected to show that he was assigned a reenlistment code of RE-3E, vice the RE-4 code he was actually assigned on 15 March 2001.

b. That so much of Petitioner's request as exceeds the foregoing be denied.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


For W. DEAN PFEIFFER
Executive Director